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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/809,982	03/26/2004	Bernd Rumpf	04249448	9628
7:	590 01/07/2005		EXAM	INER
Richard A. Speer			MILLER, CARL STUART	
MAYER, BRO	WN, ROWE & MAW LL	P		
P.O. Box 2828			ART UNIT	PAPER NUMBER
Chicago, IL 60690-2828			3747	
			DATE MAIL ED: 01/02/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.    Extensions of time may be available under the provisions of 37 GFR 1.13(d), in no event, however, may a reply be timely filed   If the period for may be specified above is less than thirty (30) days, a reply white the statutory minimum of beiny (30) days, as reply white the statutory minimum of beiny (30) days will be considered timely.   If the period for may be specified above is less than thirty (30) days, a reply white the statutory minimum of beiny (30) days, as reply white the statutory minimum of beiny (30) days, as reply white the statutory minimum of beiny (30) days, as reply white the statutory minimum of beiny (30) days, as reply white the statutory minimum of beiny (30) days will be conditioned to second administration.		Application No.	Applicant(s)				
Carl S. Miller   3747		10/809,982	RUMPF, BERND				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ③ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Estensions of time may be available under the provision of 3°C PR 1.136(a). In no event, however, may a reply be timely find  Estensions of time may be available under the provision of 3°C PR 1.136(a). In no event, however, may a reply be timely find  Estensions of time may be available under the provision of 3°C PR 1.136(a). In no event, however, may a reply be timely find  I the priod for reply appended show in less than first, (30) days, at leye while the statution may which the act or extended prince for the reply while the statution may and the priod of the communication of the priod of the communication, event density filed, they vector it is a priod of the communication, event density filed, may vector it is a communication. Fall the priod of the communication, event density filed, may vector it is a communication. Fall the provision of the communication is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) □ Claim(s) 1-2 is/are pending in the application.  4) □ Claim(s) 1-2 is/are pending in the application.  4) □ Claim(s) 1-2 is/are pending in the application.  5) □ Claim(s) 1-2 is/are allowed.  6) □ Claim(s) 1-2 is/are allowed.  7) □ Claim(s) 1-3 is/are allowed.  8) □ Claim(s) 1-3 is/are allowed.  8) □ Claim(s) 1-3 is/are allowed.  9) □ The specification is objected to by the Examiner.  10) □ The drawing(s) filed on 1-3 is/are: all 1-3 is/are	Office Action Summary	Examiner	Art Unit				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Exercision of time may be available under the provisions of 37 CFR 1.33(a). In no event, however, may a reply be timely field  - If the period for may specified above, the maximum statutory period will apply and will expere Stx (b) MONTHS from the mailing of size of this communication of the maximum statutory period will expere Stx (b) MONTHS from the mailing of size of this communication.  - Failure to imply specified above, the maximum statutory period will expere Stx (b) MONTHS from the mailing of size of this communication.  - Failure to imply specified above, the maximum statutory period will expere Stx (b) MONTHS from the mailing of size of this communication.  - Failure to imply which the force chose is less than through a statutory and the service of the communication, even if timely filed, may reduce any examined patient term adjustment. See 37 CFR 1.704(b)  - Status  - This action is FINAL.  - Stb   This action is non-final.  - Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  - Disposition of Claims  - Application of Claims  - Application of Claims  - Application of Claims  - Application are subject to restriction and/or election requirement.  - Application Papers  - Priority under 35 U.S.C. § 119  - Calim(s) is/are abloved to by the Examiner.  - Application Papers  - Application drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  - The drawing(s) filed on is/are: a) accepted or b) objected to. See 37 CFR 1.121(d).  - The drawing(s) filed on is/are: a) accepted or b) objected to. See 37 CFR 1.121(d).  - The drawing(s) filed on is/are: a)		Carl S. Miller	3747				
THE MAILING DATE OF THIS COMMUNICATION.  Extensions of term may be suitable under the provision of 3 CFR 1 136(a). In no event, however, may a reply be timely field after SEX (6) MONTHS from the making date of this communication of 3 CFR 1 136(a). In no event, however, may a reply be timely field after SEX (6) MONTHS from the making date of this communication. A publication of the provision of	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
1) Responsive to communication(s) filed on	A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any						
2a) ☐ This action is FINAL.  2b) ☐ This action is non-final.  3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) ☐ Claim(s)	Status						
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4a) Of the above claim(s) is/are withdrawn from consideration.  5) □ Claim(s) is/are allowed.  6) ☒ Claim(s) is/are rejected.  7) □ Claim(s) is/are objected to.  8) □ Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) □ The specification is objected to by the Examiner.  10) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) ☒ All b) □ Some * c) □ None of:  1. ☒ Certified copies of the priority documents have been received in Application No  3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  **Attachment(s)  10 ☒ Notice of References Cited (PTO-892)  21 ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/S8/08)  11 ☐ Interview Summary (PTO-413)  Paper No(s)/Mail Date  Paper No(s)/Mail Date  Paper No(s)/Mail Date  Notice of Informal Patent Application (PTO-152)	Disposition of Claims						
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	<ol> <li>Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)         Paper No(s)/Mail Date <u>8/06/04</u>.     </li> </ol>						

Application/Control Number: 10/809,982

Art Unit: 3747

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schuchardt (DE ('838).

In particular, the abstract indicates that the ventilation lines <u>can</u> <u>be</u> <u>downstream</u> of the jet pump and since the <u>shown</u> vent <u>is</u> at the highest point of the inlet line <u>to</u> the jet pump, it would have been obvious to place any vent downstream of the pump <u>also</u> at the high point in that line. Also, Figure 1 appears to show a resilient member used as the closure, while Figure 2 clearly uses a "stiff wall" element.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schuchardt in view of WO ('138).

WO ('138) applies (as noted in the Foreign Search Report) in that it teaches a bolt element used to control a vent valve. Since the bolt of the reference would be held open by high fluid pressure in the chamber, this device would have been an obvious way to vent the jet pump line of Schuchardt.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schuchardt in view of Schuster.

Schuster teaches a float valve used to vent air in a fluid passage, thereby making this an obvious element to use for sensing low flow in Schuchardt.

Application/Control Number: 10/809,982

Art Unit: 3747

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schuchardt in view of Sawamoto.

Sawamoto teaches using a hinged wall to close a vapor vent for a fluid chamber, thereby making this an obvious mechanical expedient for closing the feed line of the Schuchardt jet pump.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schuchardt in view of Germany ('287).

Germany ('287) clearly teaches the use of a flexible wall to vent fluid flow and, since Schuchardt appears to show such an element in Figure 1, it would have been obvious to use this type of vent valve in Schurchardt.

Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular, this claim is alternative in nature beyond being simply broad. In this instance the claim limitations are simply too unclear.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carl Miller whose telephone number is (571) 272-4849. The examiner can normally be reached on MTWTHF.

Application/Control Number: 10/809,982

Art Unit: 3747

Page 4

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Yuen, can be reached at 571-272-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Carl S. Miller Primary Examiner